



# TRIPLE TALAQ AND THE QUEST FOR JUSTICE: A SOCIO-LEGAL STUDY OF MUSLIM WOMEN'S RIGHTS IN MALAPPURAM

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## ABSTRACT

This study explores the practice of Triple Talaq (Muthalaq) in Malappuram, Kerala, with a focus on its legal, social, and religious implications. Despite being declared unconstitutional by the Supreme Court of India in 2017 and criminalized under the Muslim Women (Protection of Rights on Marriage) Act, 2019, challenges in its implementation persist. The study aims to understand how this legislation has impacted Muslim women's marital rights, the extent of its enforcement, and the response from religious scholars and institutions. It highlights the tension between legal reforms and traditional religious practices, emphasizing the need for a balanced approach that promotes gender justice without alienating the community. The significance lies in the growing assertion of Muslim women advocating for their rights and the broader implications for personal law reform in a pluralistic society.

**KEYWORDS:** Triple Talaq, Malappuram, Muslim Women, Gender Justice, Personal Law, Islamic Divorce, 2019 Act, Religious Response, Legal Reform

## INTRODUCTION

The concept of divorce in Islamic law is multifaceted, encompassing various forms such as *talaq*, *khul*, and *faskh*. Traditionally, these were interpreted through the lens of classical Islamic jurisprudence, differing across legal schools. Over time, as personal status laws became codified, the authority over divorce shifted from jurists to state institutions, though these laws continued to operate within the framework of Islamic principles (Esposito, 2001). Among the most debated practices is *Triple Talaq*—a form of instant divorce where a husband pronounces the word *talaq* three times to unilaterally end the marriage. While recognized by the All India Muslim Personal Law Board (AIMPLB) as one of the valid forms of divorce, this practice has raised serious concerns over its fairness and alignment with Quranic values.

Critics argue that instant *Triple Talaq* contradicts Islamic teachings, which emphasize justice, mutual respect, and thoughtful deliberation in marital matters (Ali, 2006). Although widely practiced in India, it has been abolished in over 20 Muslim-majority countries, including Pakistan, Iran, and Bangladesh, due to its irreversible nature and the lack of opportunity for reconciliation. Classical Islamic jurisprudence placed several restrictions on *talaq*, including the requirement for the husband to be of sound mind and not coerced, and provided the wife with financial rights such as *mahr* and maintenance during the *iddah* period (Quraishi, 2011). Nonetheless, patriarchal interpretations have often overshadowed these safeguards, resulting in the normalization of practices like *Triple Talaq* that adversely affect Muslim women.

In India, the practice faced major legal scrutiny, culminating in the 2017 Supreme Court ruling that declared *Triple Talaq* unconstitutional. This led to the enactment of the Muslim Women (Protection of Rights on Marriage) Act in 2019, which

criminalized the practice and aimed to safeguard women's rights (Government of India, 2019). The law marked a significant shift toward gender justice within the Muslim community, though it also sparked debates on the state's role in religious personal laws. In places like Malappuram, Kerala, where Muslim communities are predominant, the law triggered both support and resistance, reflecting the ongoing tension between religious autonomy and constitutional equality. The broader discourse continues to grapple with whether legal reforms alone are sufficient to address deep-rooted gender biases embedded in personal law systems.

## METHODOLOGY

Research is a systematic and scientific approach to understanding a particular phenomenon, aimed at finding meaningful solutions to specific problems. It involves the use of well-defined procedures and techniques to gather, analyze, and interpret data. In this context, understanding not only the research methods but also the underlying methodology is essential for ensuring the reliability and validity of the findings. This study adopts both qualitative and quantitative research methods to explore the implications of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Primary data was collected through interviews conducted with divorced women, legal experts, religious scholars, and community members in Malappuram district to gain firsthand insights. Secondary data was sourced from books, academic journals, government reports, and credible internet resources to provide a broader theoretical and contextual framework. This mixed-method approach ensures a comprehensive understanding of the legal, social, and religious dimensions of the issue.



Figure showing study area Malappuram district

## RESULTS AND DISCUSSION

The study conducted in Malappuram district highlights a complex socio-legal landscape surrounding the issue of Triple Talaq and its impact on Muslim women. The respondents represented a diverse group, allowing for a multidimensional analysis. A significant proportion of women—especially those divorced—reported systemic challenges including lack of financial maintenance (65%) and obstacles in child custody (56%). These figures reveal that despite legal reforms, societal norms and institutional inefficiencies continue to create hurdles for divorced women, particularly in terms of economic and familial security. The fact that 50% of divorces occurred without the woman's presence further underscores the need for robust legal oversight to protect women's rights and ensure mutual consent in matrimonial matters.

Awareness and perception of the Triple Talaq law showed a mixed picture. While 70% of participants viewed the criminalization as a positive legal protection for women, a notable 60% believed that many Muslim women remain unaware of their rights. This indicates a clear disconnect between policy formulation and grassroots awareness. Despite efforts like awareness campaigns and legal aid, implementation gaps remain evident, with 20% of stakeholders acknowledging the absence of concrete action. The community's reaction post-divorce was also telling, with only 36% of women receiving support from their families and communities. This social stigma contributes to emotional isolation and compounds the challenges women face, particularly when trying to assert their legal entitlements.

The opinions of various stakeholders further illustrate the ongoing debate surrounding the law. A strong majority of advocates (90%) support the prohibition of Triple Talaq, suggesting a legal consensus on its necessity. However, the low support among religious scholars (10%) highlights the tension between legal reforms and religious interpretations. The support from teachers (70%) and the divided stance of politicians (50-50%) reflect evolving public sentiment and the potential of education in shaping progressive views. Additionally, safeguards such as police protection and legal aid were acknowledged by 40% of respondents, yet 20% felt no proper system was in place, revealing administrative

lapses. Financial aid remains largely court-directed, but gaps in consistent government support point to the need for better infrastructure to uphold the rights guaranteed by law.

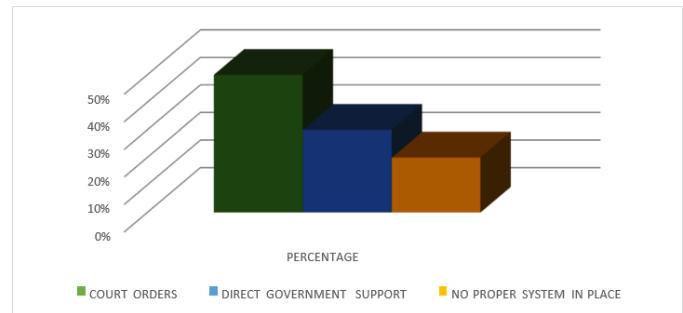


Figure showing sources of financial aid

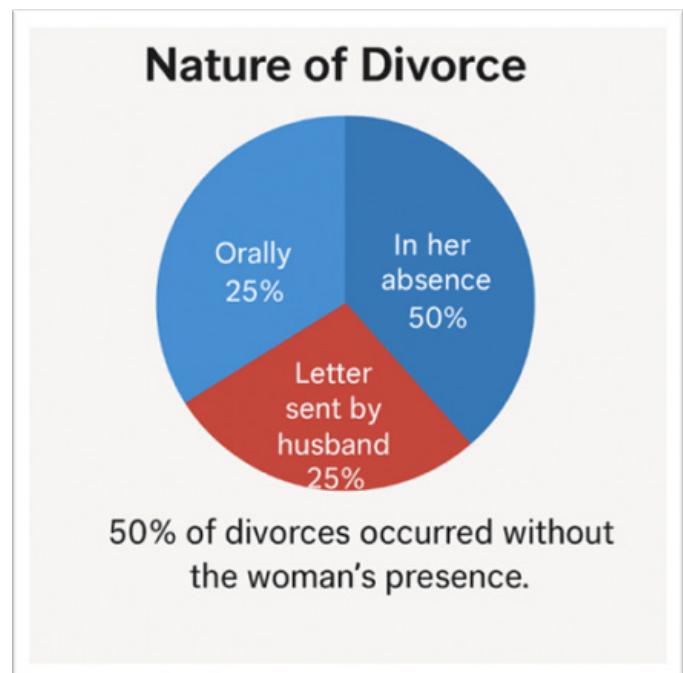


Figure showing sources of nature of divorce

## SUMMARY AND CONCLUSION

The study reveals that the majority of respondents (50%) identify court orders as the primary means of securing financial aid, followed by 30% who rely on direct government support. However, a notable 20% express concern over the absence of a structured system, indicating gaps in accessibility and consistency. This data highlights a dual reality—while institutional mechanisms like legal mandates and government assistance play significant roles, a portion of the population remains underserved or uncertain about how aid is delivered.

These findings underscore the need for a more transparent and unified framework to ensure equitable access to financial support. Establishing clear, accessible pathways and enhancing public awareness can bridge the gap between existing support mechanisms and the needs of vulnerable populations. Similar concerns have been echoed in studies emphasizing the importance of systemic reforms to improve aid distribution (UNICEF, 2021; World Bank, 2022). Thus, while current systems provide a foundation, there is a pressing need to

reinforce them with comprehensive policies and public outreach initiatives.

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